

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C.**

In re:

Amendment of Section 73.622  
Table of Allotments DTV  
Broadcast Stations  
Traverse City, Michigan

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MM Docket No.

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

To: Chief, Allocations Branch  
Policy and Rules Division

**PETITION FOR RULEMAKING**

Central Michigan University ("CMU"), by its counsel and pursuant to Section 1.420 of the Commission's Rules, hereby requests that the Commission institute a rulemaking proceeding to amend Section 73.622 of its Rules to allot Channel \*23 as a DTV channel at Traverse City, Michigan, and to reserve it for noncommercial educational use. Such an allotment would serve the public interest by granting the city of Traverse City its first noncommercial educational DTV channel and its first ever noncommercial educational television service. CMU commits to apply for DTV Channel \*23, if allotted.

**Background**

CMU is a public institution of higher education located in the State of Michigan. In furtherance of its educational mandate, CMU operates a four-station noncommercial educational television network that provides high quality educational, informational and cultural programming, including children's programming, to the central and northern regions of Michigan's lower peninsula (consisting of 52 counties).<sup>1</sup> CMU has been providing public TV

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<sup>1</sup> CMU is the licensee of the following noncommercial educational television stations: WCMU-TV, Mt. Pleasant, Michigan, WCML-TV, Alpena, Michigan, WCMW, Manistee,

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service since 1967. CMU now hopes to further its educational mission by providing the first ever noncommercial educational programming service to the city of Traverse City.

In support of this petition, CMU submits the following:

**The Allotment of DTV Channel \*23 to Traverse City, Michigan Satisfies Technical and Regulatory Requirements**

The present proposal satisfies the minimum geographic spacing requirements with regard to all other DTV stations, DTV allotments, and analog TV stations. See Engineering Statement, at 2. The reference coordinates for the proposed site are N. 44°-45'-47"; W. 85°-37'-11".

In addition, as the attached engineering exhibit demonstrates, this request is in compliance with the community coverage requirements of Section 73.625(a).

Accordingly, the allotment of DTV Channel \*23 at Traverse City complies with the requirements of Section 73.623 of the Commission's Rules.

**Allotment of DTV Channel \*23 to Traverse City, Michigan, Would Provide Traverse City with a Valuable Source of Noncommercial Educational Programming.**

At present, no noncommercial educational DTV station or noncommercial educational television station is licensed to Traverse City, Michigan. Accordingly, allotment of DTV Channel \*23 to Traverse City would provide the city with its first noncommercial educational DTV service and its first and only local noncommercial educational television facility. It would also provide the only noncommercial educational DTV service receivable off air in Traverse City.

The Commission recognizes the value of local programming, especially in noncommercial, educational broadcasting. See, e.g., Educational TV Assignment at

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Michigan and WCMV, Cadillac, Michigan. CMU is also the licensee of seven noncommercial educational FM stations located throughout the lower peninsula of Michigan.

Terre Haute, Indiana, 19 RR 2d 1850, 1853 (1970) ("We have repeatedly announced our policy to forward local programming in the broadcast services. Local programming is essential particularly in the field of education in that local programming can most effectively deal with the specific problems, needs, and interests in the community being served.").

**DTV Channel \*23 at Traverse City, Michigan, Should Be Reserved for Noncommercial, Educational Use.**

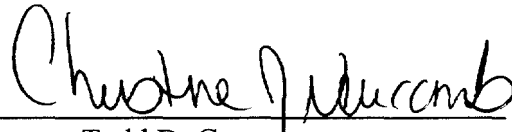
The purpose of this petition is to allot a channel, for which (as stated in the attached statement by CMU's Chief Operator) CMU intends to apply, to provide Traverse City with its first noncommercial educational DTV channel. Reservation of Channel \*23 for noncommercial educational use would make this possible.

**CONCLUSION**

For all of these reasons, CMU requests that the Commission institute a rulemaking proceeding to amend Section 73.622 of its Rules to allot DTV Channel \*23 to Traverse City, Michigan, and to reserve it for noncommercial educational use.

Respectfully submitted,

CENTRAL MICHIGAN UNIVERSITY

By: 

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Christine J. Newcomb

Attorneys for Petitioner

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April 3, 2000

## ENGINEERING STATEMENT

This Engineering Statement has been prepared by Randall G. Kapenga, Chief Operator for Central Michigan University's Public Broadcasting Department. The exhibit supports a petition by Central Michigan University requesting modification of the DTV Table of Allotments to specify non-commercial DTV Channel \*23 at Traverse City, Michigan.

This engineer has been requested by the petitioner to prepare the engineering portion of a petition for rule making to assign DTV Channel 23 to Traverse City, Michigan, and to reserve this channel for non-commercial use. The instant DTV channel, if assigned, would provide the city of Traverse City with its only non-commercial broadcast TV service.

As a result of a channel search conducted by this engineer, it has been determined that UHF Channel 23 may be assigned to Traverse City, Michigan as a DTV assignment without conflicting with any existing NTSC or DTV assignments, or proposed assignments, known by this engineer. Therefore, it is proposed that Section 73.622(b) of the FCC Rules and Regulations be amended in the following manner:

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Traverse City, MI	31, 50	31, 50, *23

It is the petitioner's intention to apply for a construction permit to operate on the DTV channel proposed herein, if it is assigned.

The reference point coordinates for Traverse City are:

N 44-45-47      W 85-37-11

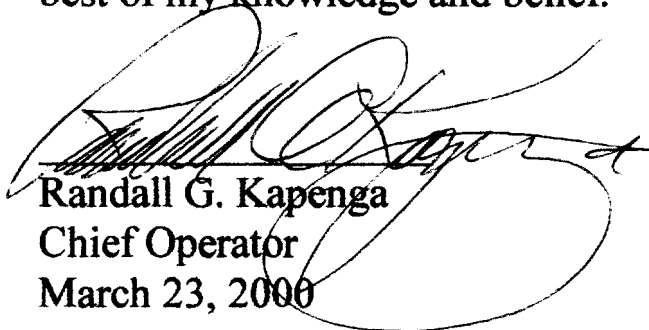
The petitioner would propose a transmitter location of:

N 45-10-40      W 85-05-57

From this location, compliance with the community of license coverage requirement (41 dbu contour) would be assured.

In view of the above, it is believed that the assignment of DTV Channel \*23 to Traverse City, Michigan would be in the public interest.

The forgoing statement and attached figure are true and accurate to the best of my knowledge and belief.



Randall G. Kapenga  
Chief Operator  
March 23, 2000

Central Michigan University  
Public Broadcasting

DTV Channel \*23  
Traverse City Michigan

REFERENCE

45 11 01 N

85 05 11 W

ZONE = 2 DTV

DISPLAY DATES

DATA 01-28-00

SEARCH 01-28-00

..... Channel 23 , 524 MHz .....

Call	Channel	Location	Dist	Azi	FCC	Margin
AL252	AL 23+	PETOSKEY	MI 23.30	26.1	> 244.60	-221.30
AL336	AL 24Z	WEST BRANCH	MI 120.97	146.1	< 12.0 > 110.0	10.97
WCMV	LI 27Z	CADILLAC	MI 117.78	189.9	< 24.1 > 96.6	21.18
WBAY-D	AP 23	GREEN BAY	WI 246.17	250.5	> 223.70	22.47
WBAYTV	ALD 23	GREEN BAY	WI 246.17	250.5	> 223.70	22.47
AL217	AL 15+	MANISTIQUE	MI 125.84	314.1	< 24.1 > 96.6	29.24
WCMW	LI 21Z	MANISTEE	MI 158.79	218.9	< 24.1 > 96.6	62.19
AL347	AL 38-	SAULT STE MARIE	ON 159.26	21.2	< 24.1 > 96.6	62.66
WKARTV	LI 23-	EAST LANSING	MI 280.94	168.7	> 217.30	63.64
CICOTV	LI 20Z	SAULT STE MARIE	ON 166.87	19.7	< 24.1 > 96.6	70.27
CBLFT2	LI 26-	SAULT STE MARIE	ON 169.05	21.3	< 24.1 > 96.6	72.45



FM 89.5 FM 90.1 FM 91.7 FM 95.7 FM 98.3 FM 103.9  
MT. PLEASANT BAY CITY ALPENA OSCODA SAULT STE. MARIE HARBOR SPRINGS

Central Michigan University intends to apply for and prosecute an application for DTV Channel \*23 at Traverse City, Michigan, if allotted as a reserved DTV channel.

By: Ed. J. B. [Signature]

Title: Director, Public Broadcasting

Date: 3/23/00